



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: FOO - 204424

PRELIMINARY RECITALS

Pursuant to a petition filed February 14, 2022, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Northern IM Consortium to discontinue FoodShare benefits (FS), a hearing was held on March 16, 2022, by telephone.

The issue for determination is whether the agency correctly determined that petitioner's household was over the FS limit.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Wood County Human Services - WI Rapids
111 W Jackson St
Wisconsin Rapids, WI 54495

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rusk County. Wood County HS is the hub agency of the Northern IM Consortium.
2. Petitioner received FS for a four-person household
3. The agency began a review of petitioner's FS case when it discovered that her husband had a new job. On December 13, 2021, the agency informed petitioner that FS would close January 1, 2022 because the review was not completed.
4. Eventually the agency received pay stubs. It used the two most recent stubs to determined that petitioner's husband typically worked 80 hours bi-weekly at \$15.25 per hour. When that income was budgeted along with other household income, it resulted in the household being over the FS net income limit. FS for January, 2022 was denied by a notice dated January 10, 2022.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all of the recipient's nonexempt income. 7 C.F.R. §273.9(b). From that income, certain deductions are allowed. The deductions include a standard deduction, which currently is \$184 per month. 7 C.F.R. §273.9(d)(1); FS Handbook, Appendix 4.6.2. Another deduction is the earned income deduction, which equals 20% of the household's total earned income. 7 C.F.R. §273.9(d)(2); FS Handbook, App. 4.6.3. A third possible deduction is for medical expenses exceeding \$35 in a month for elderly or disabled persons. 7 C.F.R. §273.9(d)(3); FS Handbook, App. 4.6.4. A fourth deduction is for child/dependent care. 7 C.F.R. §273.9(d)(4); FS Handbook, App. 4.6.6. The final deduction is for shelter expenses; the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 C.F.R. §273.9(d)(6); FS Handbook, App. 4.6.7.

The gross income limit for a household of four is \$4,418. Handbook, App. 8.1.1. The net income limit for a household of four is \$2,208. Handbook, App. 8.1.1.

Here total monthly income was \$2,623 earned income plus \$874.78 SSI. After the earned income deduction and the standard deduction, net income was \$2,789.18. There were no medical or child care expenses. There is no shelter deduction because one half of \$2,789.18 is \$1,394.59, which is more than the total shelter expense. Thus the \$2,789.18 net income is compared to the net income limit of \$2,208, and FS are denied.

Petitioner stressed that 30% of the net adjusted income was just 70 cents above the maximum FS allotment. That is a misleading comparison because, technically, it is a calculation that is not really in play since the net income is more than \$500 over the net income limit.

Petitioner also complains that, in January, her husband missed a week of work due to illness. The problem is that the FS program uses prospective income, and it does not go back to reconcile if income is not as high as estimated. If the lower income would continue into future months, the FS calculation could be adjusted, but a one-time income reduction that does not continue into the next month cannot be used to affect future FS.

I conclude, therefore, that the agency correctly closed FS because income went over the limit. Based solely on petitioner's husband's regular 40-hour weekly income, the income was too high for continued eligibility.

CONCLUSIONS OF LAW

The agency correctly determined that income from new employment pushed petitioner's household income over the FS net income limit.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

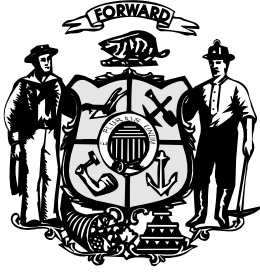
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 18th day of March, 2022



Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 18, 2022.

Wood County Human Services - WI Rapids
Division of Health Care Access and Accountability